

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

JOHN D. MACINTYRE

Criminal Case No. 21-121-JJM

PRELIMINARY ORDER OF FORFEITURE

The Information in this matter includes a forfeiture allegation that states in the event the Defendant is convicted of Count 1 in the Information, the Defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 2253, all property, real or personal, used or intended to be used to commit or promote the commission of the offenses charged in the Information, and all property constituting or traceable to gross profits or other proceeds obtained from such offenses, and all visual depictions described in 18 U.S.C. §§ 2251-2252, and any book, magazine, periodical, film, videotape, or other matter containing any such visual depiction, which was produced, transported, mailed, shipped or received in committing such offense, including but not limited to one Acer Laptop bearing serial number HQ28AA00174405C5C340 (hereinafter the “Subject Property”).

The parties agree that the Subject Property is subject to forfeiture as a matter of law and that there exist factual grounds sufficient to support forfeiture. Defendant has pleaded guilty to Count 1 of the Information.

Based on the above, the Court finds that the Subject Property was involved in or used in violation of 18 U.S.C. §§ 2252(a)(4)(B) & (b)(2) and is subject to forfeiture pursuant to 18 U.S.C. § 2253.

Accordingly, it is hereby ORDERED, ADJUDGED, and DECREED that pursuant to 21

U.S.C. § 853 (as incorporated by 28 U.S.C. § 2461(c)), any and all right, title, and interest of Defendant in or to the Subject Property is hereby forfeited to the Government. It is further ORDERED, ADJUDGED, and DECREED that:

1. the Attorney General or his or her designee may seize the Subject Property in accordance with law pursuant to Fed. R. Crim. P. 32.2(b)(3);
2. pursuant to 21 U.S.C. § 853(n), the Government shall publish notice of this Order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in the Subject Property must file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier;
3. the notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Subject Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Subject Property and any additional facts supporting the petitioner's claim and relief sought;
4. the Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Subject Property, as a substitute for published notice as to those persons so notified; and

5. upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture, pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Ordered this _____ day of _____, 2022.

ENTER:

CHIEF JUDGE JOHN J. MCCONNELL, JR.
UNITED STATES DISTRICT COURT